

ROBERT WILLIAMS,  
Register No. 345847,  
  
Plaintiff,  
  
v.  
  
DENIS AGNIEL, et al.,  
  
Defendants.

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No. 05-4183-CV-C-NKL

On July 26, 2005, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on August 22 and September 6, 2005. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Although plaintiff's objections indicate he is now released on parole and, thus, a writ of habeas corpus is inapplicable, plaintiff's release does not change the fact that he has no constitutionally protected liberty interest in parole. Dace v. Mickelson, 816 F.2d 1277, 1280-81 (8<sup>th</sup> Cir. 1987); Johnson v. Missouri Bd. of Prob. and Parole, 92 S.W.3d 107, 113-14 (Mo. App. 2002). Thus, plaintiff's claims alleging that misapplication of Mo. Rev. Stat. § 558.019 caused his grant of parole to be extended beyond his mandatory minimum sentence, in violation of his due process rights, are dismissed.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice

of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that plaintiff's claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted.

/s/ \_\_\_\_\_  
NANETTE K. LAUGHREY  
United States District Judge

Dated: December 9, 2005  
Jefferson City, Missouri